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MINISTRY OF LABOUR

NOTIFICATIONS

New Delhi, the 24th December 1956

S.R.O. 3138.—The following draft of a scheme for the Port of Calcutta, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 20th February, 1957.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the Central Government.

DRAFT SCHEME

THE CALCUTTA UNREGISTERED DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1956

1. **Short title, application and commencement.**—(1) This Scheme may be called the Calcutta Unregistered Dock Workers (Regulation of Employment) Scheme, 1956.

(2) It applies to the dock workers of the classes specified in Schedule I and the employers of such dock workers in the Port of Calcutta.

(3) It shall come into force on the.....

2. **Object.**—The object of the Scheme is to regulate the employment of dock workers to whom this Scheme applies.

3. **Definitions.**—In this Scheme, unless there is anything repugnant in the subject or context—

(a) "Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);

(b) "Board" means the Calcutta Dock Labour Board constituted under clause 4 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956;

(c) "Chairman", "Deputy Chairman" and the "Personnel Officer" mean the Officers appointed as such under the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956;

(d) "Committee" means a committee appointed under clause 7.

- (e) "dock work" means work ordinarily performed by dock workers of the classes to which this Scheme applies;
- (f) "dock employer" means the person and/or firm by whom a dock worker to whom the Scheme applies is employed or is to be employed;
- (g) "listed employer" means a dock employer listed by the Board under clause 8 and includes, for the purpose of clause 10, an authorised agent of such employer;
- (h) "listed worker" means a dock worker listed under clause 9.

4. Functions of the Board.—The Board may with a view to regulating the employment of dock workers to whom this Scheme applies take such measures as it may consider desirable including measures for—

- (a) appointing, abolishing or reconstituting committees under clause 7;
- (b) keeping and maintaining a list of listed employers, entering or re-entering therein the name of any listed employer and where circumstances so require, removing from the list, the name of any listed employer, either at his own request or in accordance with the provisions of this Scheme;
- (c) keeping and maintaining from time to time a list of listed dock worker and removing from the list the name of a listed worker either at his own request or in accordance with the provision of this Scheme;
- (d) issuing photo-identity cards for listed dock workers;
- (e) recovering from listed employers, such administrative charges as it may determine;
- (f) making recommendations to the Central Government about such changes in this Scheme as the Board may consider desirable from time to time.

5. Functions of the Chairman.—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of this Scheme and in particular—

- (a) to ensure, with the assistance, wherever necessary, of such Committee or Committees as may be appointed under clause 7, that the decisions of the Board in regard to the entry of names in, or the removal of names from, the list of listed employers or the list of listed workers are carried out expeditiously;
- (b) to supervise and control the working of the Personnel and other Officers as prescribed in this Scheme;
- (c) to take disciplinary action against listed employers as prescribed in this Scheme;
- (d) to discharge all other duties and responsibilities specifically vested in the Chairman under this Scheme.

(2) The Chairman may delegate in writing any of his functions under sub-clause (1) to the Deputy Chairman or the Personnel Officer.

6. Functions of the Deputy Chairman and the Personnel Officer.—Without prejudice to the powers and functions of the Board and the Chairman, the Deputy Chairman and the Personnel Officer shall carry out such functions as may be assigned to them by the Chairman under clause 5 or as are provided under this Scheme.

7. Committees.—The Board may appoint one or more Committees, composed of such representatives of dock employers and dock workers to whom this Scheme applies and such other person or persons as may be nominated by the Board to facilitate compliance with or implementation of the provisions of this Scheme and may entrust to such committee or committees such of its functions as it may deem fit. The Board may dissolve or reconstitute such Committee or Committees from time to time as it may deem fit.

8. Listing of employers of dock workers.—(1) The Board shall maintain a list of employers of dock workers to whom this Scheme applies.

(2) Every person, who is an employer of dock workers to whom this Scheme applies in the Port of Calcutta on the date of commencement of this Scheme, and who applies to the Board in this behalf on or before such date as may be fixed by the Board for this purpose, shall be entitled to be listed under this Scheme.

(3) Each employer shall pay to the Board such "listing fee" as may be prescribed by the Board.

9. Listing of dock workers.—(1) Any dock worker who, on the date of commencement of this Scheme is in the employment of any employer to whom this Scheme applies and has been under such employment for not less than three months on the said date shall subject to the following conditions be eligible for being listed namely—

(i) The number of workers of each class to be selected for listing shall not exceed the number which the Board may, in consultation with the Central Government, determine from time to time. Selection for listing shall be made on the basis of seniority as determined by the length of service rendered by a worker or on such other basis as the Board may determine;

(ii) Only Indian citizens shall be eligible for being listed:

Provided that dock workers who are not Indian citizens but are otherwise eligible may be listed provisionally in a separate list on such terms and conditions as the Board may, in consultation with the Central Government, prescribe from time to time.

(2) Workers shall be listed in accordance with the following procedure, namely—

(i) Each eligible dock worker shall apply to the Board through his employer on or before such date as may be fixed by the Board or any Committee appointed under clause 7 for the purpose. The application shall be submitted in duplicate in the form prescribed in Schedule II. The Board may include in the said form such other items as it may deem fit.

(ii) Two copies of passport sized photograph of the worker concerned shall be submitted along with the application.

(iii) A listed employer shall not refuse to forward the application of a worker who has been in his employment for at least three months on the date of commencement of this Scheme:

Provided that if any question arises whether or not a worker has been in the employment of his employer at least for three months, it shall be referred to such officer, authority or Committee as the Board may specify and the decision of such officer, authority or Committee, as the case may be, shall be final.

(iv) The period for which a worker of a class specified in Schedule I has served on work relatable to that class under a particular employer shall as far as possible be recorded on the basis of payments of wages made to the worker previously, either directly by the employer or through any of the employer's agents.

(v) While forwarding an application of a dock worker, the employer shall state on the application the reasons, if any, for which he does not recommend the application.

(vi) Every worker shall pay to the Board a 'listing fee' of Re. 1/- on his name being listed and shall also bear the cost of the two copies of photographs furnished by him along with the application.

(vii) If the application is in order, the Board shall enter the name of the worker in the list of workers and retain one copy each of the application and the photograph for record and return the other copy of the application together with a photo-identity card to the listed employer through whom the application had been received. The employer shall hand over the photo-identity card to the worker concerned.

10. Obligations of listed employer.—(1) Every listed employer shall be bound by the provisions of this Scheme.

(2) A listed employer shall maintain records in such form as may be prescribed by the Board, showing the names of dock workers employed by him daily, the payments made to them and such other particulars as the Board may specify.

(3) A listed employer shall prepare at the end of each month a statement showing the number of days for which each dock worker was employed by him and the payments made to each worker.

(4) A listed employer shall make direct payment of wages, allowances and the like to the dock workers employed by him.

(5) At the end of each quarter, a listed employer shall make a summary of the monthly statements referred to in sub-clause (3) and submit it to the Board within a fortnight of the commencement of the next quarter. The listed employer shall also maintain such registers and records and submit such other returns and information as the Board may require. All registers, records and returns shall be made available for inspection by the Officers of the Board whenever required.

(6) Every listed employer shall pay to the Board such administrative charges as may be fixed by the Board.

(7) A listed employer shall maintain a list of the workers sponsored by him and listed by the Board and a listed worker shall not be transferred from the list of one listed employer to that of another without prior sanction of the Personnel Officer of the Board.

(8) A listed employer shall not engage a worker of the class mentioned in Schedule I who is not listed so long as a listed worker of the same class from his list or any other employer's list offers himself for employment.

(9) To the extent possible, a listed employer will provide equal chances of work to workers in the same category and listed with him.

11. Obligations of listed workers.—A listed worker shall not offer himself for employment with any other dock employer on any day on which he is offered employment by his employer.

12. Restriction on employment.—No person other than a listed employer shall employ any worker on dock work nor shall a listed employer engage for employment or employ a worker on dock work unless that worker is a listed worker.

13. Disciplinary procedure.—(1) The Personnel Officer on receipt of information, whether on complaint or otherwise, that a listed employer has failed to carry out the provisions of this Scheme may after investigating the matter—

(i) give him a warning in writing, or

(ii) if in his opinion, a higher penalty is merited, report the case to the Deputy Chairman.

(2) The Deputy Chairman shall then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—

(a) censure the employer and record the censure in his record sheet; or

(b) subject to the approval of the Board and after one month's notice in writing to the employer, direct that the name of the employer shall be removed from the list of employers for such period as may be determined by the Board or permanently if the Board so determines.

(3) All disciplinary powers in respect of a listed worker shall vest in the listed employer by whom that worker is employed.

14. Appeals by employers.—(1) A listed employer who is aggrieved by an order made under clause 13 may appeal—

(a) to the Deputy Chairman, if the order was made by the Personnel Officer, or

(b) to the Chairman if the original order was made by the Deputy Chairman.

(2) A dock employer who has been refused listing under clause 8 may appeal to the Chairman.

(3) Every appeal referred in sub-clauses (1) and (2) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against, and the order passed on such appeal shall be final:

Provided that the appellate authority may, for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

15. Appeals by workers.—(1) A listed worker who is aggrieved by an order of his employer under clause 13 (2) may appeal to the Chairman.

(2) A dock worker, who has been refused listing under clause 9 may appeal to the Board.

(3) Every appeal under sub-clause (1) or sub-clause (2) shall be in writing and preferred within 14 days of the receipt of the order appealed against and the order passed on such appeal shall be final:

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

16. Penalties.—A contravention of clause 12 shall be punishable with fine not exceeding two hundred rupees in respect of a first contravention or five hundred rupees in respect of any subsequent contravention.

SCHEDULE I

[See clause 1]

Classes of dock workers who should be listed under the scheme

- (1) Chipping and Painting worker.
- (2) Stitcher and Baggar.
- (3) Salt worker.
- (4) Coal worker.

SCHEDULE II

[See clause 9(2) (i)]

Particulars to be shown in an application under clause 9(2) (i)

- (1) Class of employment.
- (2) Full name of the employee and his father's name.
- (3) Home address.
- (4) Age.
- (5) Nationality.
- (6) Name of the employer recommending his application.
- (7) The earliest time since when the worker has been working in this class under the employer and the total period for which he has been in his employ.
- (8) The name and address of other employers with whom he has worked in the capacity mentioned in item (1) and the period of employment under each employer.

I hereby declare that I have understood my obligations under the Scheme and I undertake to discharge them on being listed.

Signature or thumb impression of worker.

I certify that to the best of my knowledge the particulars furnished above are correct. I undertake to keep the applicant on my list subject to the conditions prescribed. I recommend the application.

Signature or thumb impression of employer.

S.R.O. 3139.—The following draft of a scheme for the Port of Bombay, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 20th February, 1957.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the Central Government.

DRAFT SCHEME

THE BOMBAY UNREGISTERED DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1956

1. **Short title, application and commencement.**—(1) This Scheme may be called the Bombay Unregistered Dock Workers (Regulation of Employment) Scheme, 1956.

(2) It applies to the dock workers of the classes specified in Schedule I and the employers of such dock workers in the Port of Bombay.

(3) It shall come into force on the.....

2. **Object.**—The object of the scheme is to regulate the employment of dock workers to whom this scheme applies.

3. **Definitions.**—In this scheme, unless there is anything repugnant in the subject or context—

(a) "Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);

(b) "Board" means the Bombay Dock Labour Board constituted under clause 4 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1956;

(c) "Chairman", "Deputy Chairman" and the "Personnel Officer" mean the Officers appointed as such under the Bombay Dock Workers (Regulation of Employment) Scheme, 1956;

(d) "Committee" means a committee appointed under clause 7;

(e) "dock work" means work ordinarily performed by dock workers of the classes to which this Scheme applies;

(f) "dock employer" means the person and/or firm by whom a dock worker to whom the scheme applies is employed or is to be employed;

(g) "listed employer" means a dock employer listed by the Board under clause 8 and includes, for the purpose of clause 10, an authorised agent of such employer;

(h) "listed worker" means a dock worker listed under clause 9.

4. **Functions of the Board.**—The Board may with a view to regulating the employment of dock workers to whom this scheme applies take such measures as it may consider desirable including measures for—

(a) appointing, abolishing or reconstituting committees under clause 7;

(b) keeping and maintaining a list of listed employers, entering or re-entering therein the name of any listed employer and where circumstances so require, removing from the list, the name of any listed employer, either at his own request or in accordance with the provisions of this scheme;

(c) keeping and maintaining from time to time a list of listed dock worker and removing from the list the name of a listed worker either at his own request or in accordance with the provision of this scheme;

(d) issuing photo-identity cards for listed dock workers;

(e) recovering from listed employers, such administrative charges as it may determine;

(f) making recommendations to the Central Government about such changes in this Scheme as the Board may consider desirable from time to time.

5. Functions of the Chairman.—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of this Scheme and in particular—

- (a) to ensure, with the assistance, wherever necessary, of such Committee or Committees as may be appointed under clause 7, that the decisions of the Board in regard to the entry of names in, or the removal of names from, the list of listed employers or the list of listed workers are carried out expeditiously.
- (b) to supervise and control the working of the Personnel and other Officers as prescribed in this scheme.
- (c) to take disciplinary action against listed employers as prescribed in this scheme.
- (d) to discharge all other duties and responsibilities specifically vested in the Chairman under this scheme.

(2) The Chairman may delegate in writing any of his functions under sub-clause (1) to the Deputy Chairman or the Personnel Officer.

6. Functions of the Deputy Chairman and the Personnel Officer.—Without prejudice to the powers and functions of the Board and the Chairman, the Deputy Chairman and the Personnel Officer shall carry out such functions as may be assigned to them by the Chairman under clause 5 or as are provided under this scheme.

7. Committees.—The Board may appoint one or more Committees, composed of such representatives of dock employers and dock workers to whom this scheme applies and such other person or persons as may be nominated by the Board to facilitate compliance with or implementation of the provisions of this Scheme and may entrust to such committee or committees such of its functions as it may deem fit. The Board may dissolve or reconstitute such Committee or Committees from time to time as it may deem fit.

8. Listing of employers of dock workers.—(1) The Board shall maintain a list of employers of dock workers to whom this Scheme applies.

(2) Every person, who is an employer of dock workers to whom this Scheme applies in the Port of Bombay on the date of commencement of this Scheme, and who applies to the Board in this behalf on or before such date as may be fixed by the Board for this purpose, shall be entitled to be listed under this Scheme.

(3) Each employer shall pay to the Board such "listing fee" as may be prescribed by the Board.

9. Listing of dock workers.—(1) Any dock worker who, on the date of commencement of this Scheme is in the employment of any employer to whom this Scheme applies and has been under such employment for not less than three months on the said date shall subject to the following conditions be eligible for being listed namely—

- (i) The number of workers of each class to be selected for listing shall not exceed the number which the Board may, in consultation with the Central Government, determine from time to time. Selection for listing shall be made on the basis of seniority as determined by the length of service rendered by a worker or on such other basis as the Board may determine;
- (ii) Only Indian citizens shall be eligible for being listed:

Provided that dock workers who are not Indian citizens but are otherwise eligible may be listed provisionally in a separate list on such terms and conditions as the Board may, in consultation with the Central Government, prescribe from time to time.

(2) Workers shall be listed in accordance with the following procedure, namely—

- (i) Each eligible dock worker shall apply to the Board through his employer on or before such date as may be fixed by the Board or any Committee appointed under clause 7 for the purpose. The application shall be submitted in duplicate in the form prescribed in Schedule II. The Board may include in the said form such other items as it may deem fit.

- (ii) Two copies of passport sized photograph of the worker concerned shall be submitted along with the application.
- (iii) A listed employer shall not refuse to forward the application of a worker who has been in his employment for at least three months on the date of commencement of this Scheme:

Provided that if any question arises whether or not a worker has been in the employment of his employer at least for three months, it shall be referred to such officer, authority or Committee as the Board may specify and the decision of such officer, authority or Committee, as the case may be, shall be final.

- (iv) The period for which a worker of a class specified in Schedule I has served on work relatable to that class under a particular employer shall as far as possible be recorded on the basis of payments of wages made to the worker previously, either directly by the employer or through any of the employer's agents.
- (v) While forwarding an application of a dock worker, the employer shall state on the application the reasons, if any, for which he does not recommend the application.
- (vi) Every worker shall pay to the Board a 'listing fee' of Re. 1/- on his name being listed and shall also bear the cost of the two copies of photographs furnished by him along with the application.
- (vii) If the application is in order, the Board shall enter the name of the worker.....in the list of workers and retain one copy each of the application and the photograph for record and return the other copy of the application together with a photo-identity card to the listed employer through whom the application had been received. The employer shall hand over the photo-identity card to the worker concerned.

10. Obligations of listed employer.—(1) Every listed employer shall be bound by the provisions of this Scheme.

(2) A listed employer shall maintain records in such form as may be prescribed by the Board, showing the names of dock workers employed by him daily, the payments made to them and such other particulars as the Board may specify.

(3) A listed employer shall prepare at the end of each month a statement showing the number of days for which each dock worker was employed by him and the payments made to each worker.

(4) A listed employer shall make direct payment of wages, allowances and the like to the dock workers employed by him.

(5) At the end of each quarter, a listed employer shall make a summary of the monthly statements referred to in sub-clause (3) and submit it to the Board within a fortnight of the commencement of the next quarter. The listed employer shall also maintain such registers and records and submit such other returns and information as the Board may require. All registers, records and returns shall be made available for inspection by the Officers of the Board whenever required.

(6) Every listed employer shall pay to the Board such administrative charges as may be fixed by the Board.

(7) A listed employer shall maintain a list of the workers sponsored by him and listed by the Board and a listed worker shall not be transferred from the list of one listed employer to that of another without prior sanction of the Personnel Officer of the Board.

(8) A listed employer shall not engage a worker of the class mentioned in Schedule I who is not listed so long as a listed worker of the same class from his list or any other employer's list offers himself for employment.

(9) To the extent possible, a listed employer will provide equal chances of work to workers in the same category and listed with him.

11. Obligations of listed workers.—A listed worker shall not offer himself for employment with any other dock employer on any day on which he is offered employment by his employer.

12. **Restriction on employment.**—No person other than a listed employer shall employ any worker on dock work nor shall a listed employer engage for employment or employ a worker on dock work unless that worker is a listed worker.

13. **Disciplinary procedure.**—(1) The Personnel Officer on receipt of information, whether on complaint or otherwise, that a listed employer has failed to carry out the provisions of this Scheme may after investigating the matter—

- (i) give him a warning in writing, or
- (ii) if in his opinion, a higher penalty is merited, report the case to the Deputy Chairman.

(2) The Deputy Chairman shall then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—

- (a) censure the employer and record the censure in his record sheet; or
- (b) subject to the approval of the Board and after one month's notice in writing to the employer, direct that the name of the employer shall be removed from the list of employers for such period as may be determined by the Board or permanently if the Board so determines.

(3) All disciplinary powers in respect of a listed worker shall vest in the listed employer by whom that worker is employed.

14. **Appeals by employers.**—(1) A listed employer who is aggrieved by an order made under clause 13 may appeal—

- (a) to the Deputy Chairman, if the order was made by the Personnel Officer, or
- (b) to the Chairman if the original order was made by the Deputy Chairman.

(2) A dock employer who has been refused listing under clause 8 may appeal to the Chairman.

(3) Every appeal referred in sub-clauses (1) and (2) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against, and the order passed on such appeal shall be final:

Provided that the appellate authority may, for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

15. **Appeals by workers.**—(1) A listed worker who is aggrieved by an order of his employer under clause 13 (2) may appeal to the Chairman.

(2) A dock worker, who has been refused listing under clause 9 may appeal to the Board.

(3) Every appeal under sub-clause (1) or sub-clause (2) shall be in writing and preferred within 14 days of the receipt of the order appealed against and the order passed on such appeal shall be final:

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

16. **Penalties.**—A contravention of clause 12 shall be punishable with fine not exceeding two hundred rupees in respect of a first contravention or five hundred rupees in respect of any subsequent contravention.

SCHEDULE I

[See clause 1]

Classes of dock workers who should be listed under the scheme

- (1) Chipping and Painting worker.
- (2) Stitcher and Bagger.
- (3) Coal worker.

SCHEDULE II

[See clause 9(2) (i)]

Particulars to be shown in an application under clause 9(2) (i)

- (1) Class of employment.
- (2) Full name of the employee and his father's name.
- (3) Home address.
- (4) Age.
- (5) Nationality.
- (6) Name of the employer recommending his application.
- (7) The earliest time since when the worker has been working in this class under the employer and the total period for which he has been in his employ.
- (8) The name and address of other employers with whom he has worked in the capacity mentioned in item (1) and the period of employment under each employer.

I hereby declare that I have understood my obligations under the Scheme and I undertake to discharge them on being listed.

Signature or thumb impression of worker.

I certify that to the best of my knowledge the particulars furnished above are correct. I undertake to keep the applicant on my list subject to the conditions prescribed. I recommend the application.

Signature or thumb impression of employer.

[No. Fac.80(88)(II)/50.]

S.R.O. 3140.—The following draft of a scheme for the Port of Madras, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 20th February, 1957.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified above will be considered by the Central Government.

DRAFT SCHEME

THE MADRAS UNREGISTERED DOCK WORKERS (REGULATION OF EMPLOYMENT) SCHEME, 1956.

1. **Short title, application and commencement.**—(1) This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1956.

(2) It applies to the dock workers of the classes specified in Schedule I and the employers of such dock workers in the Port of Madras.

(3) It shall come into force on the.....

2. **Object.**—The object of the scheme is to regulate the employment of dock workers to whom this scheme applies.

3. **Definitions.**—In this scheme, unless there is anything repugnant in the subject or context—

(a) "Act" means the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);

(b) "Board" means the Madras Dock Labour Board constituted under clause 4 of the Madras Dock Workers (Regulation of Employment) Scheme, 1956;

- (c) "Chairman", "Executive Officer" and the "Personnel Officer" mean the Officer appointed as such under the Madras Dock Workers (Regulation of Employment) Scheme, 1953;
- (d) "Committee" means a committee appointed under clause 7;
- (e) "dock work" means work ordinarily performed by dock workers of the classes to which this Scheme applies;
- (f) "dock employer" means the person and/or firm by whom a dock worker to whom the scheme applies is employed or is to be employed;
- (g) "listed employer" means a dock employer listed by the Board under clause 8 and includes, for the purpose of clause 10, an authorised agent of such employer;
- (h) "listed worker" means a dock worker listed under clause 9.

4. Functions of the Board.—The Board may with a view to regulating the employment of dock workers to whom this scheme applies take such measures as it may consider desirable including measures for—

- (a) appointing, abolishing or reconstituting committees under clause 7;
- (b) keeping and maintaining a list of listed employers, entering or re-entering therein the name of any listed employer and where circumstances so require, removing from the list, the name of any listed employer, either at his own request or in accordance with the provisions of this Scheme;
- (c) keeping and maintaining from time to time a list of listed dock workers and removing from the list the name of a listed worker either at his own request or in accordance with the provision of this Scheme;
- (d) issuing photo-identity cards for listed dock workers;
- (e) recovering from listed employers, such administrative charges as it may determine;
- (f) making recommendations to the Central Government about such changes in this Scheme as the Board may consider desirable from time to time.

5. Functions of the Chairman.—(1) The Chairman shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of this Scheme and in particular—

- (a) to ensure, with the assistance, wherever necessary, of such Committee or Committees as may be appointed under clause 7, that the decisions of the Board in regard to the entry of names in, or the removal of names from, the list of listed employers or the list of listed workers are carried out expeditiously;
- (b) to supervise and control the working of the Personnel and other Officers as prescribed in this scheme;
- (c) to take disciplinary action against listed employers as prescribed in this Scheme;
- (d) to discharge all other duties and responsibilities specifically vested in the Chairman under this Scheme.

(2) The Chairman may delegate in writing any of his functions under sub-clause (1) to the Executive Officer or the Personnel Officer.

6. Functions of the Executive Officer and the Personnel Officer.—Without prejudice to the powers and functions of the Board and the Chairman, the Executive Officer and the Personnel Officer shall carry out such functions as may be assigned to them by the Chairman under clause 5 or as are provided under this Scheme.

7. Committees.—The Board may appoint one or more Committees, composed of such representatives of dock employers and dock workers to whom this scheme applies and such other person or persons as may be nominated by the Board to facilitate compliance with or implementation of the provisions of this Scheme and may entrust to such committee or committees such of its functions as it may deem fit. The Board may dissolve or reconstitute such Committee or Committees from time to time as it may deem fit.

8. Listing of employers of dock workers.—(1) The Board shall maintain a list of employers of dock workers.

(2) Every person, who is an employer of dock workers to whom this Scheme applies in the Port of Madras on the date of commencement of this Scheme, and who applies to the Board in this behalf on or before such date as may be fixed, by the Board for this purpose, shall be entitled to be listed under this Scheme.

(3) Each employer shall pay to the Board such "listing fee" as may prescribed by the Board.

9. Listing of dock workers.—(1) Any dock worker who, on the date of commencement of this Scheme is in the employment of any employer to whom this Scheme applies and has been under such employment for not less than three months on the said date shall subject to the following conditions be eligible for being listed namely—

(i) The number of workers of each class to be selected for listing shall not exceed the number which the Board may, in consultation with the Central Government, determine from time to time. Selection for listing shall be made on the basis of seniority as determined by the length of service rendered by a worker or on such other basis as the Board may determine;

(ii) Only Indian citizens shall be eligible for being listed:

Provided that dock workers who are not Indian citizens but are otherwise eligible may be listed provisionally in a separate list on such terms and conditions as the Board may, in consultation with the Central Government, prescribe from time to time.

(2) Workers shall be listed in accordance with the following procedure, namely—

(i) Each eligible dock worker shall apply to the Board through his employer on or before such date as may be fixed by the Board or any Committee appointed under clause 7 for the purpose. The application shall be submitted in duplicate in the form prescribed in Schedule II. The Board may include in the said form such other items as it may deem fit.

(ii) Two copies of passport sized photograph of the worker concerned shall be submitted along with the application.

(iii) A listed employer shall not refuse to forward the application of a worker who has been in his employment for at least three months on the date of commencement of this Scheme:

Provided that if any question arises whether or not a worker has been in the employment of his employer at least for three months, it shall be referred to such officer, authority or Committee as the Board may specify and the decision of such officer, authority or Committee, as the case may be, shall be final.

(iv) The period for which a worker of a class specified in Schedule I has served on work relatable to that class under a particular employer shall as far as possible be recorded on the basis of payments of wages made to the worker previously, either directly by the employer or through any of the employer's agents.

(v) While forwarding an application of a dock worker, the employer shall state on the application the reasons, if any, for which he does not recommend the application.

(vi) Every worker shall pay to the Board a 'listing fee' of Re. 1/- on his name being listed and shall also bear the cost of the two copies of photographs furnished by him along with the application.

(vii) If the application is in order, the Board shall enter the name of the worker in the list of workers and retain one copy each of the application and the photograph for record and return the other copy of the application together with a photo-identity card to the listed employer through whom the application had been received. The employer shall hand over the photo-identity card to the worker concerned.

10. Obligations of listed em

(2) A listed employer shall maintain records in such form as may be prescribed by the Board, showing the names of dock workers employed by him daily, the payments made to them and such other particulars as the Board may specify.

(3) A listed employer shall prepare at the end of each month a statement showing the number of days for which each dock worker was employed by him and the payments made to each worker.

(4) A listed employer shall make direct payment of wages, allowances and the like to the dock workers employed by him.

(5) At the end of each quarter, a listed employer shall make a summary of the monthly statements referred to in sub-clause (3) and submit it to the Board within a fortnight of the commencement of the next quarter. The listed employer shall also maintain such registers and records and submit such other returns and information as the Board may require. All registers, records and returns shall be made available for inspection by the Officers of the Board whenever required.

(6) Every listed employer shall pay to the Board such administrative charges as may be fixed by the Board.

(7) A listed employer shall maintain a list of the workers sponsored by him and listed by the Board and a listed worker shall not be transferred from the list of one listed employer to that of another without prior sanction of the Personnel Officer of the Board.

(8) A listed employer shall not engage a worker of the class mentioned in Schedule I who is not listed so long as a listed worker of the same class from his list or any other employer's list offers himself for employment.

(9) To the extent possible, a listed employer will provide equal chances of work to workers in the same category and listed with him.

11. **Obligations of listed workers.**—A listed worker shall not offer himself for employment with any other dock employer on any day on which he is offered employment by his employer.

12. **Restriction on employment.**—No person other than a listed employer shall employ any worker on dock work nor shall a listed employer engage for employment or employ a worker on dock work unless that worker is a listed worker.

13. **Disciplinary procedure.**—(1) The Personnel Officer on receipt of information, whether on complaint or otherwise, that a listed employer has failed to carry out the provisions of this Scheme may after investigating the matter—

(i) give him a warning in writing, or

(ii) if in his opinion, a higher penalty is merited, report the case to the Executive Officer.

(2) The Executive Officer shall then cause such further investigation to be made as he may deem fit and take any of the following steps as regards that employer, that is to say, he may—

(a) censure the employer and record the censure in his record sheet; or

(b) subject to the approval of the Board and after one month's notice in writing to the employer, direct that the name of the employer shall be removed from the list of employers for such period as may be determined by the Board or permanently if the Board so determines.

(3) All disciplinary powers in respect of a listed worker shall vest in the listed employer by whom that worker is employed.

14. **Appeals by employers.**—(1) A listed employer who is aggrieved by an order made under clause 13 may appeal.—

(a) to the Executive Officer, if the order was made by the Personnel Officer, or

(b) to the Chairman if the original order was made by the Executive Officer.

(2) A dock employer who has been refused listing under clause 8 may appeal to the Chairman.

(3) Every appeal referred in sub-clauses (1) and (2) shall be in writing and preferred within 14 days of the date of receipt of the order appealed against, and the order passed on such appeal shall be final;

Provided that the appellate authority may, for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

15. **Appeals by workers.**—(1) A listed worker who is aggrieved by an order of his employer under clause 13 (2) may appeal to the Chairman.

(2) A dock worker, who has been refused listing under clause 9 may appeal to the Board.

(3) Every appeal under sub-clause (1) or sub-clause (2) shall be in writing and preferred within 14 days of the receipt of the order appealed against and the order passed on such appeal shall be final;

Provided that the appellate authority may for reasons to be recorded, admit an appeal preferred after the expiry of 14 days.

16. **Penalties.**—A contravention of clause 12 shall be punishable with fine not exceeding two hundred rupees in respect of a first contravention or five hundred rupees in respect of any subsequent contravention.

SCHEDULE I

[See clause 1]

Classes of dock workers who should be listed under the scheme.

- (1) Shore labour employed in handling chemical manure (including rock phosphate) in bulk;
- (2) Labour employed in handling coal (including bunker coal);
- (3) Shore labour employed in handling ores;
- (4) Shore labour employed in handling scrap iron;
- (5) Shore labour employed in handling sulphur;
- (6) Stitchers.

SCHEDULE II

[See clause 9(2) (i)]

Particulars to be shown in an application under clause 9(2) (i)

- (1) Class of employment.
- (2) Full name of the employee and his father's name.
- (3) Home address.
- (4) Age.
- (5) Nationality.
- (6) Name of the employer recommending his application.
- (7) The earliest time since when the worker has been working in this class under the employer and the total period for which he has been in his employ.
- (8) The name and address of other employers with whom he has worked in the capacity mentioned in item (1) and the period of employment under each employer.

I hereby declare that I have understood my obligations under the Scheme and I undertake to discharge them on being listed.

Signature or thumb impression of worker.

I certify that to the best of my knowledge the particulars furnished above are correct. I undertake to keep the applicant on my list subject to the conditions prescribed. I recommend the application.

Signature or thumb impression of employer.

[No. Fac.80(68)(iii)/56.]

R. C. SAKSENA, Under Secy.